

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN THE MATTER OF:

GENE ALLEN WALDA
NANCY LYNN WALDA
Debtors

CASE NUMBER: 10-31254
CHAPTER 13

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW, the Trustee, Debra L. Miller, by counsel, and for her Objection to Debtors' Plan states:

1. Debtors are making their payments via wage order and are current.
2. Debtors are above median income debtors and their disposable income is set by the Form B22C Means test pursuant to 11U.S.C. §1325(b)(1)(B).
3. Trustee objects to confirmation as the disposable income test is not met. Debtors' Means test lists Mrs. Walda's current gross monthly income as \$6,250.01 and Trustee calculates it to be \$8,157.00, a difference of \$1,906.99. Due to this difference, the disposable income test is not met and the additional income of \$1,906.99 should go to Debtors' general unsecured creditors. Trustee requests current paystubs from the Debtors to verify that the disposable income test is met.
4. Debtors' Schedule F does not include the addresses of several creditors. Trustee objects to confirmation as not all of Debtors' creditors received proper notice of Debtors' bankruptcy.
5. Trustee objects to confirmation as Debtors' plan provides to pay their student loan creditors in full but does not provide for the payment in full of all other unsecured

debt. This is contrary to 11 U.S.C. §1322(a)(3) and §1322(b) and unfairly discriminates other unsecured creditors.

WHEREFORE, as the plan has yet to comply with 11 U.S.C. §1325(a) and (b) for the reasons stated above, the Trustee objects to the confirmation of the plan.

Dated: June 24, 2010

Respectfully Submitted,

/s/ Sarah E. Willms
Staff Attorney for
Debra L. Miller, Chapter 13 Trustee
P.O. Box 11550
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this objection was served as follows on June 24, 2010

By U.S. Mail postage prepaid:

Debtors: Gene and Nancy Walda, PO Box 806, Pierceton, IN 46562

By electronic mail via CM/ECF:

Debtors' Attorney: Amber Blackford

U.S. Trustee at ustregion10.so.efc@usdoj.gov

/s/ Sarah E. Willms